



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8**

1595 Wynkoop Street  
DENVER, CO 80202-1129  
Phone 800-227-8917  
<http://www.epa.gov/region08>

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Ref: 8ENF-L

**VIA CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Hecla Limited  
c/o Mr. Philip Baker, President and CEO  
6500 N. Mineral Drive, Suite 200  
Coeur d'Alene, ID 83815-9408

CoCa Mines, Inc.  
c/o Mr. Ronald W. Clayton, President  
6500 N. Mineral Drive, Suite 200  
Coeur d'Alene, ID 83815-9408

Re: General Notice of Superfund Liability for the Nelson Tunnel/Commodore Waste Rock Pile  
Superfund Site, Mineral County, Colorado

Dear Mr. Baker and Mr. Clayton:

Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the federal "Superfund" law, the U.S. Environmental Protection Agency (EPA) is responsible for responding to the release or threat of release of hazardous substances, pollutants or contaminants into the environment and for cleaning up or otherwise addressing any contamination that has already occurred. The EPA has documented that such releases have occurred at the Nelson Tunnel/Commodore Waste Rock Pile Site (Site) located in Mineral County, Colorado. The EPA has spent public funds to investigate and control releases of hazardous substances or potential releases of hazardous substances at the Site. Based on information presently available, the EPA has determined that Hecla Limited and CoCa Mines, Inc. may be responsible under CERCLA for cleanup of the Site.

**Explanation of Potential Liability**

Under CERCLA, specifically sections 106(a) and 107(a), potentially responsible parties (PRPs) may be required to perform cleanup actions to protect the public health, welfare, or the environment. PRPs may also be responsible for costs incurred by the EPA in cleaning up a site, unless the PRP can show divisibility or any of the limited statutory defenses. PRPs include current and former owners and

operators of a site, as well as persons who arranged for treatment and/or disposal of any hazardous substances found at the site, and persons who accepted hazardous substances for transport and selected the site to which the hazardous substances were delivered.

Based on its investigation, the EPA believes that Hecla Limited may be liable under section 107(a) of CERCLA, as the successor to CoCa Mines, Inc., an owner/operator at the time hazardous substances were disposed of at the Site. In addition, the EPA believes that CoCa Mines, Inc. may be liable under section 107(a) of CERCLA as an owner/operator at the time hazardous substances were disposed of at the Site

To date, the EPA has taken several response actions at the Site under the authority of the Superfund Program. The Site was listed on the National Priorities List on September 3, 2008. The EPA conducted a time-critical removal action to address actual or threatened releases of hazardous substances from the Commodore Waste Rock Pile (CWRP). The removal action involved an engineered reconstruction, to limit the contaminated surface and subsurface drainage from CWRP into West Willow Creek, Willow Creek and the Rio Grande River. This engineered containment of Willow Creek also serves to protect the CWRP from further erosion and migration of contaminated waste rock into the creek and downstream to the Rio Grande River. In particular, the removal action included temporarily diverting creek flows around the construction area in the creek channel; clearing out the damaged old wooden creek diversion flume, old metal pipe, metal and other debris from the channel; lining the upper section of the channel with a geo-membrane to prevent infiltration of creek water into the top of the CWRP; re-grading the waste rock pile slope to achieve a stable 2:1 slope; re-grading the lower channel along the toe of the pile to stabilize the slope; constructing grouted rip-rap drop structures in the channel for dissipation of energy in the flowing water, and lining the lower section of the channel with a grouted rock to stabilize the channel around the CWRP. The CWRP removal costs are approximately \$5,920,660.49. Please find enclosed a cost summary for the CWRP.

The EPA is currently undergoing a remedial investigation/feasibility study (RI/FS) for the Nelson Tunnel portion of the Site. Once the RI/FS is complete, the EPA will begin remedial design and remedial action (RD/RA) on the Nelson Tunnel portion of the Site.

#### **Information to Assist You**

The EPA would like to encourage communication among you, other PRPs, and the EPA regarding the Site. To assist you in this effort, enclosed is the list of names and addresses of the PRPs to whom this letter has been sent.

The EPA has established an Administrative Record that contains documents that serve as the basis for the EPA's selection of cleanup actions for the Site. The Administrative Record is located at the EPA Region 8 Superfund Records Center, 1595 Wynkoop Street, Denver, Colorado 80202.

Please give these matters your immediate attention. If you have any questions regarding this letter, please contact Laurianne Jackson, Site Attorney, at (303) 312-6950.

Sincerely,

Kelcey Land, Director  
RCRA/CERCLA Technical Enforcement Program

Andrea Madigan, Supervisory Attorney

Enclosures

cc: Laurianne Jackson, 8ENF-L  
Sharon Abendschan, 8ENF-RC  
Jeral Ellington, DOJ  
Jason King, CO Attorney General's Office  
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Addresses:

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